

INSTRUCTIONS FOR THE 2007 STATISTICAL REPORTS

Attached please find instructions and worksheets to help complete and file the 2007 statistical reports. **Please note that you received the forms and instructions for filing 2006 reports last year at this time. DO NOT use the forms attached here for 2006 statistics, as changes to both the law and the forms have occurred.** Both 2006 and 2007 versions of the forms and/or worksheets are on the Division's website at <http://www.in.gov/judiciary/admin/courtmgmt/forms/index.html>.

The Division, through its JTAC division, is developing an application to file all of the required reports online through INCite (the Indiana Courts Technology Extranet). This application will be available for the reports filed for 2007. Training on the new system will be offered before the first quarterly reports are due in 2007.

Should you have any questions, please contact the Division at (317) 232-2542, or visit the court's website at <http://www.in.gov/judiciary/admin/courtmgmt/forms>.

Please also feel welcome to contact Court Management and Statistics staff via email at: ksuthers@courts.state.in.us or cobrien@courts.state.in.us

Thank you for your cooperation.

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2007 Report Instructions

I. General Provisions

The Quarterly Case Status Report (QCSR) Worksheet for Online Filing, a Report on Court Expenditures and Budget Worksheet for Online Filing, and a Report on Court Revenue Worksheet for Online Filing are included in this packet. These Worksheets are included to help courts collect, and ultimately file information sought by the Division of State Court Administration (the Division).

Beginning in 2007, filing of all reports will be done online through an application developed by our JTAC Division. To facilitate the conversion to online filing, STAD will continue to mail out paper worksheets, and the application itself will mirror these worksheet forms. In other words, the form will be pictured on the screen as it appears on paper and the user will simply click on the portion of the form that he or she is going to complete.

As you know, the Division is required to gather this data pursuant to I.C. § 33-24-6-3 *et seq.* and administrative rules promulgated by the Indiana Supreme Court. Ultimately, this data is compiled and published in the annual Indiana Judicial Service Report.

Quarterly Case Status Reports (QCSR), a Report on Court Expenditures and Budget, and a Report on Court Revenue must be filed by each circuit, superior, probate, county, city, and town court. Small claims courts use separate forms for these filings, but must also file these reports.

A. Report Filing

In 2007, all reports will be filed online through INCite (Indiana Courts Technology Extranet). Passwords to access this application will be distributed through the JTAC Helpdesk at 1-888-275-5822. Each user will be assigned his or her own user ID and password. Each user must notify the Division if his or her password has been compromised, misused or is known to an employee who is no longer with the court. The judge will be responsible for notifying the Division of any user who has left the employment of the court.

Pursuant to Administrative Rule 1(B)(2), judges may require court clerks, reporters, or other officers or employees to furnish needed information.

The Division will still require courts to verify year-end totals. At the end of the year, each court will receive a summary detailing the numbers for the **entire** prior calendar year. Each court must verify that this data is correct and the judge must certify the accuracy of the summary. Final responsibility for incorrect or incomplete information remains with the judge, regardless of who supplied the original data.

B. Filing Deadlines

The QCSR must be filed with the Division within ten (10) calendar days of the end of each quarter (Admin. Rule 1(B)(3)). The following table reflects the due dates for QCSR reports:

<u>Quarter</u>	<u>Time Period Reported</u>	<u>Reports to the Division</u>
Quarter 1	January - March	April 10, 2007
Quarter 2	April - June	July 10, 2007
Quarter 3	July - September	October 10, 2007
Quarter 4	October - December	January 10, 2008

The Revenue Report and Report on Court Expenditures and Budget must be filed with the Division within twenty (20) calendar days of the end of the year, making each due on **January 20, 2008**. (Admin. Rule 2(B))

C. Court Information

All reports filed with the Division must contain the following information:

- Name of county
- Name of court
- Court ID number
- Name of judge
- Reporting period
- Name, telephone number and email address of report preparer
- Date the report was prepared
- Time Period Covered by Report
- Report Verification Information

QCSR reports **must** also list appointed judicial officers other than the judge who serve the reporting court, and an approximate amount of time in days, or fractions of days, per week that those judicial officers serve in each court.

D. Using Worksheets

Filing users do **not** have to use the worksheets provided with these instructions (or available online at the Division's website or on INcite), but some users may want to gather the information necessary using the paper forms first, and then enter the data online to the appropriate report in INcite. The paper worksheets included with these instructions are provided for the convenience of the reporting user only.

E. Help/Questions

General information may be found at the State Court Administration website at www.in.gov/judiciary/admin. Copies of all forms worksheets and specific instructions are included on the Division's website at www.in.gov/judiciary/admin/forms and on the INcite application.

For password or technical questions, contact the JTAC Helpdesk at 1-888-275-5822. Questions may also be directed to Kris Suthers, Colleen O'Brien or Angie James at the Division office by telephone at **(317) 232-2542**, or by e-mail to ksuthers@courts.state.in.us, cobrien@courts.state.in.us or ajames@courts.state.in.us

Questions on the Report on Court Revenue should be directed to Kristin Donnelly-Miller at kdmiller@courts.state.in.us

II. Report on Court Revenue

A. Filing Deadlines

The Report on Court Revenue is filed annually. It is filed at the close of the calendar year it is covering, and is due by **January 20** of the following year. **Thus, the 2007 Report on Court Revenue is due January 20, 2008.** (The 2006 Report on Court Revenue is due on January 20, 2007.) Worksheets and instructions for both years are posted on the Division's website at www.in.gov/judiciary/admin/courtmgmt/forms/index.html

B. Completing the Report on Court Revenue Worksheet

The Report on Court Revenue is intended to reflect fees generated through the operation of the court. All of the courts in the county may report on the same form, however, **each** covered court and its identifying number **must** be identified at the top of the report.

The Clerk's office will provide the bulk of the information requested in this report. Each preparer must ensure that all revenues are included in the report, regardless of who specifically collects the various fees. The report is designed to correspond with the State Board of Accounts reporting requirements for the Clerks. An accounting of monies collected through the various probation user fees should be available through the probation department and must be included on this report.

Courts may download this form in Excel format from the Division's website at www.in.gov/judiciary/admin/forms. This electronic form contains formulas to perform calculations automatically and should speed the process of collecting

and verifying data. A reporting user does not have to use any worksheet to file online. The worksheets have been provided for your convenience.

Questions on the Report on Court Revenue should be directed to Kristin Donnelly-Miller at kdmiller@courts.state.in.us

III. Report on Court Expenditures and Budget

The Report on Court Expenditures and Budget is also filed annually, and is due by **January 20** of each year. It is subject to the requirements of Admin. Rule 2. It is intended to reflect the court's expenditures in the various categories during the previous year and the court's requested and approved budgets for the following year. **If a court's budget has not been approved by the time that the information is due to the Division, the court must submit this report on time, and then submit an amended form when the budget is approved.** All expenditures, including those from unappropriated, mandated, and probation user fee funds, must be reflected in this report under the appropriate category.

The last portion of the report calls for specific information concerning mandated funds. Any amounts reported in this portion of the report must also be included under the specific line item for which they were expended, and included in the total.

Courts may download a worksheet for this report in Excel format from the Division's website at <http://www.in.gov/judiciary/admin/forms>. This worksheet contains formulas to perform calculations automatically and speed the process of collecting and verifying data. Once completed, the reporting court should file its report online on the ICOR system.

IV. Completing the Quarterly Case Status Report (QCSR) Using the Worksheet

A. Worksheet/Report Layout

PART I: BEFORE COURT records the cases that are filed in an Indiana court. Cases should be listed under the appropriate case type category under choices B. through D. for the quarter in which it is filed. When that case is disposed, it should be counted under PART II: DISPOSED CASES. The manner of disposition is recorded in PART II under choices F. through S. during the quarter in which the case was disposed. Multiple charges, counts, or claims arising from the same incident and handled together should receive one case number and be counted only one time under the New Filings category and only once under the DISPOSED CASES part of the form. (Admin. R. 1(B)(4)).

The categories appearing across the top of the form (such as “MR, FA, FB, FC,” etc.) correspond to case type identifiers used in the uniform case numbering system. (See Admin. Rule. 8 for a complete listing.) Once a case is shown to have entered the system under a particular case type, it must remain in that category until it is disposed and counted in PART II, even if the nature of the case or the charges later changes.

Do **not** list a re-docketed case as a New Filing in PART I. The average time assigned to each case type through the Weighted Caseload Measures system already include the time spent by judges on post-judgment matters.

PART I: BEFORE COURT, PART II: DISPOSED CASES, and the case types are explained more fully below.

B. Case Redistribution by Transfer and Venue Change

The Quarterly Case Status Reports reflect cases filed and disposed in each court. Transferred and venued cases are also recorded on the QCSR. Transferred and venued cases are counted as disposed in the appropriate category by the court of origin and are then counted as incoming cases under either the Transferred In or Venued In categories (as distinguished from new filings) in the receiving court. Transferred and venued cases receive new case numbers in the receiving court.

C. Weighted Caseload

QCSR data filed with the Division is used to compute a weighted caseload measure for each trial court. The weighted caseload measure is an index of the judicial resources or judicial time required to process cases filed in a court. During development of the Weighted Caseload System, an in-depth study was conducted to determine the average amount of judicial time required (both pre and post-judgment), to process a case in each of the various case type categories. The study also determined the average amount of time in a year that a judge would be expected to devote to strictly case-related work. Starting with a forty (40) hour workweek, deductions were made for vacation and sick time, and time devoted to administrative matters, continuing education, and other non-case related duties to arrive at the amount of time each year to be devoted to cases. This total was determined to be 1,344 hours, or 80,640 minutes.

The weighted caseload measure of a trial court is a reflection of the total amount of judicial resources available to the court, compared to the amount of judicial resources required, on average, to process the cases filed in that court during a year. For example, a weighted caseload measure of 1.0 indicates that the average amount of judicial time required to process all of the cases filed in the court during a year equals 1,344 hours (80,640 minutes), or the amount of time anticipated to be devoted to that caseload by a single full-time judge. If a single judge court has a weighted caseload measure of 1.5, it is processing a caseload anticipated to be processed by 1.5 judicial officers. If the same court has a weighted caseload measure of 0.5, it is processing a caseload anticipated to be processed by 0.5

judicial officers.

The weighted caseload measures have been widely accepted and are used as a management tool by trial courts, the Indiana Supreme Court, and the Indiana General Assembly.

D. Numbered Category Descriptions

Criminal

Multiple Counts, Number of Defendants, Multiple Charges, and Lesser Convictions

Each defendant is reflected as a single case (Admin. Rule 1(B)(4)). When a person is charged contemporaneously with multiple offenses, only one new filing will be reported in the category of the most serious charge against that defendant. The case will remain in that category even if charges are later amended or if the defendant is convicted of a lesser offense. If multiple individuals are jointly charged with one or more offenses, the report should reflect the number of cases filed as equal to the number of individuals charged. Case disposition may vary as to each defendant. A very limited exception to this rule may apply if a previously filed case is amended to include a charge of Murder. Courts needing to explore this limited exception should contact the Division. The statutory references provided below for case categories are for illustrative purposes only; the Prosecutor's Office should provide charging information at the time of case filing that includes the category of the charged offenses.

1. MR - Murder

All murder cases, as defined by I.C. 35-42-1-1, filed after 1/1/2002 will be reported under the MR category. If the State has sought either the death penalty or life without parole, this information should be recorded in Part V of the QCSR. Murder convictions are characterized by a general sentence of fifty-five (55) years with not more than ten years added for aggravating circumstances and not more than ten years subtracted for mitigating circumstances. The defendant may not be fined more than ten thousand (\$10,000) dollars.

2. CF – Criminal Felony

Although no new filings are permitted for this category, all Class A, B, and C felony cases filed prior to 12/31/2001 were reported under the CF category. Even though new filings are under CF are prohibited, existing cases with a CF designation are still disposed in this category.

3. FA – Class A Felony

All Class A felonies filed after 1/1/2002, are reported under the FA category. These cases are characterized by a general sentence of thirty (30) years, with no more than twenty years added for aggravating circumstances and no more than ten years subtracted for mitigating circumstances. The defendant may also be fined not more than ten thousand (\$10,000) dollars. Examples of FA cases include Voluntary Manslaughter With a Deadly Weapon (I.C. 35-42-1-3), and Kidnapping (I.C. 35-42-3-2).

4. **FB - Class B Felony**

All Class B felonies filed after 1/1/2002 are reported under the FB category. These cases are characterized by a general sentence of ten (10) years, with not more than ten years added for aggravating circumstances and not more than four years subtracted for mitigating circumstances. The defendant may not be fined more than ten thousand (\$10,000) dollars. Examples of these cases include Causing Suicide (I.C. 35-42-1-2), Voluntary Manslaughter (I.C. 35-42-1-3); Aggravated Battery (I.C. 35-42-2-1.5), Rape (I.C. 35-42-4-1), Criminal Deviate Conduct (I.C. 35-42-4-2), Child Molesting (I.C. 35-42-4-3), Carjacking (I.C. 35-42-5-2), and Arson (I.C. 35-43-1-1).

5. **FC – Class C Felony**

All Class C felonies filed after 1/1/2002 are reported under the FC category. These cases are characterized by a general sentence of four (4) years, with not more than four years added for aggravating circumstances and not more than two years subtracted for mitigating circumstances. The defendant may not be fined more than ten thousand (\$10,000) dollars. Examples of these cases include Assisting Suicide (I.C. 35-42-1-2.5), Involuntary Manslaughter (I.C. 35-42-1-4), Reckless Homicide (I.C. 35-42-1-5), Overpass Mischief (I.C. 35-42-2-5), Robbery (I.C. 35-42-5-1), Burglary (I.C. 35-43-2-1), and Forgery (I.C. 35-43-5-2(b)).

6. **FD – Class D Felony (with previous DF's combined)**

All Class D felonies filed after 1/1/2002, are reported under the FD category. These cases are characterized by a general minimum sentence of one and one-half years, with not more than one and one-half years added for aggravating circumstances and not more than one year subtracted for mitigating circumstances. The defendant may not be fined more than ten thousand (\$10,000) dollars. Examples of these cases include Involuntary Manslaughter with a vehicle (I.C. 35-42-1-4(c)), Criminal Confinement (I.C. 35-42-3-3), Interference with Custody (I.C. 35-42-3-4), Child Exploitation (I.C. 35-42-4-4), Sexual Battery (I.C. 35-42-4-8), Computer Tampering (I.C. 35-43-1-4), Residential Entry (I.C. 35-43-2-1.5), Theft/Receiving Stolen Property (I.C. 35-43-4-2(b)), and Fraud (I.C. 35-43-5-4).

7. **PC – Post-Conviction Relief**

All Petitions filed for post-conviction relief.

8. **CM - Criminal Misdemeanor**

These cases are characterized by a suspendable sentence that ranges from not more than one (1) year and a five thousand (\$5,000) dollar fine for a Class A misdemeanor to not more than sixty (60) days and a five hundred (\$500) dollar fine for a Class C misdemeanor. Some examples include Battery (Class B), Criminal Trespass (Class A), Computer Trespass (Class A), Criminal Conversion (Class A), Vending Machine Vandalism (Class B), Deception (Class A), Check Deception (Class A), and Harassment (Class B).

9. **MC - Miscellaneous Criminal**

This includes criminal matters not classifiable as Felony or Misdemeanor, and which are not part of an ongoing proceeding. Illustrative examples may include probable cause hearings in a case not yet filed, a petition for appointment of a special prosecutor, or extradition hearings and proceedings involving forfeiture of property used in a crime. MC may also apply when a search warrant is issued before charges are filed. In these circumstances, the court should issue a MC case number for the search warrant and count the case as disposed under the "By Bench Disposition" category. If charges are ultimately filed, the criminal case should then be given the appropriate case type.

10. **IF - Infractions**

This category includes all infractions. As with other criminal cases and ordinance violations, multiple offenses (i.e. multiple tickets or citations issued to the same individual or arising from the same circumstances), result in only one case filing, even if the various offenses differ in severity or in sanction.

11. **OV / OE - Ordinance Violations**

These involve local ordinance violations. For the purposes of this report, all ordinance violations filed with the court should be reported in this category. If an ordinance violation must be enforced through court proceedings, it is given an OV case type. If found to have violated the ordinance, the violator will be assessed the filing fee. Moving traffic violations must be enforced through a court proceeding.

A municipal corporation may enforce many ordinance violations, however, without proceeding in court. The municipal corporation may enforce these ordinances by establishing a violations clerk who accepts the admissions of violation and payment of civil penalties. If it is an ordinance violation which can be paid through a municipal violations bureau but in which the defendant has requested a court hearing, the ordinance violation is filed as "OE" (exempt ordinance). The case number of such ordinance violations is given a different designation for court cost collection purposes.

If a violator chooses to challenge an otherwise exempt ordinance, the case is given case type OE and no filing fee is assessed, even if the violator is ultimately unsuccessful.

As with other criminal cases and infractions, multiple offenses (i.e. multiple tickets or citations issued to the same individual or arising from the same circumstances), result in only one case filing, even if the various offenses differ in severity or in sanction.

Juvenile

12. **JC - Juvenile CHINS**

This category reflects those cases before the court where a child is alleged to be in need of services as defined by I.C. 31-34-1-1 *et. seq.* The case is counted as

a “New Filing” when a petition for detention hearing or when a request for authority to file a petition alleging that a child is in need of services is filed. A separate case number should be given to each child.

Examples of JC cases include situations in which a child needs care, treatment or rehabilitation that the child is not receiving and is unlikely to receive without the intervention of the court, and which include circumstances where: the child’s physical or mental condition is seriously impaired or seriously endangered as a result of not being supplied with necessary food, clothing, shelter, medical care, education or supervision (I.C. 31-34-1-1); the child’s physical or mental health is seriously endangered due to injury by the act or omission of a parent/guardian/custodian (I.C. 31-34-1-2); the child is the victim of a sex offense (I.C. 31-34-1-3); the child is allowed to perform in an obscene performance (I.C. 31-34-1-4); or the child is allowed to commit a sex offense (I.C. 31-34-1-5).

School truancy cases which result in an informal adjustment should generally be filed under the Juvenile Miscellaneous category, and should not be reported in this category unless the truancy poses a serious endangerment to the child as contemplated by I.C. 31-34-1-1 *et. seq.* Truancy cases that are issued JC case numbers are subject to the same notice requirements, hearing requirements, periodic review requirements, and records retention requirements required by statute and court rule.

13. **JD - Juvenile Delinquency**

This category reflects cases where a child is alleged to be delinquent. The case is recorded as a “New Filing” when a petition for detention hearing or a petition alleging delinquency is filed. For illustrative purposes, a child is delinquent if before becoming eighteen (18) years of age, the child commits an act that would be an offense if committed by an adult (I.C. 31-37-1-2).

14. **JS - Juvenile Status**

This category reflects cases where a child is charged with committing an act that would **not** be a crime if committed by an adult. For illustrative purposes, examples of status offenses may include situations where a child commits a delinquent act and needs care, treatment or rehabilitation that the child is not receiving or is unlikely to accept voluntarily without the coercive intervention of the court. Delinquent acts in this circumstance may include leaving home without reasonable cause and without permission (I.C. 31-37-2-2); failing to attend school in violation of compulsory school attendance (I.C. 31-37-2-3); habitually disobeying the reasonable and lawful commands of a parent/guardian/custodian (I.C. 31-37-2-4); or violating curfew (I.C. 31-37-2-5).

15. **JP - Juvenile Paternity**

Paternity actions filed by any party, including the prosecutor. A separate case number should be given to each child. A **support action pursuant to a paternity affidavit** would receive a JP classification.

16. **JM - Juvenile Miscellaneous**

These cases are juvenile matters that do not fall under other categories, including court approval of informal adjustments. If an informal adjustment (JM) is filed and the terms are later violated and a delinquency petition is filed, the JM should be identified as "Closed," under DISPOSED CASES, and a JD (or a JC, if appropriate) case is opened as a New Filing. School truancy cases should be filed as JM if the case is handled as an informal adjustment. If a petition is alleging serious endangerment of the child's mental or physical condition is filed, however, the truancy case may be filed as a JC case.

17. JT - Termination of Parental Rights

All proceedings for termination of parental rights must be given a JT cause number and docketed separately. (*State ex.rel. Gosnell v. Cass Circuit Court*, 577 N.E.2d 957). In termination of parental rights cases involving multiple children, a case number should be assigned to each child.

Civil

18. PL - Civil Plenary

All Civil Plenary cases filed after 1/1/2002 must be reported under the PL category. The PL category is used for any civil case not easily categorized in a more specific civil category. Generally, these cases may be more complex cases not involving a mortgage foreclosure or the collection of an outstanding debt.

19. CP – Civil Plenary (filed before 1/1/2002)

The CP designation is no longer used to report New Filings. All cases designated as CP before 1/1/2002, however, will remain as CP cases for venue, transfer and disposition reporting.

20. MF – Mortgage Foreclosures

All mortgage foreclosure cases filed after 1/1/2002 will be reported under the MF category.

21. CC – Civil Collection

All Civil Collections filed after 1/1/2002 will be reported under the CC category. CC cases may include the following: proceedings supplemental as an independent action; suits on notes and accounts; general collection suits; landlord and tenant suits for collection; ejectment; and tax warrants. Cases that are filed on the small claims docket of a court or in the small claims division of a multi-division court shall continue to be issued an SC case designation.

22. CT - Civil Tort

All civil cases founded in tort and filed on the regular civil docket of the court are counted in this category. Torts that are filed on the small claims docket of a court in the small claims division of a multi-division court shall continue to be issued an SC case designation.

23. SC - Small Claims

Cases filed on the small claims docket of the circuit, superior, or county courts

as established by I.C. 33-28-3-2 *et seq.*, I.C. 33-29-2-2 *et seq.*, I.C. 33-30-5-1 and 2, and Small Claims Rule 1. While city and town courts may have cases that fall within the monetary limits of small claims jurisdiction, those cases are not defined as small claims by the statutes cited above, and must be counted as PL (Plenary) or CC (Civil Collections) cases depending upon the nature of the action.

24. **DR - Domestic Relations**

This category includes petitions for dissolution of marriage, petitions for legal separation and petitions to establish child support. When a petition for legal separation is filed, the case is assigned a DR number. If the case proceeds to dissolution, it will retain the original number assigned and not receive a new number.

Counterpetitions, citations, and petitions to modify are not assigned new cause numbers and are not to be reported as separate cases unless no prior case exists. In each of these situations, subsequent filings should be shown filed under the original cause number.

25. **RS - Reciprocal Support**

This category should include reciprocal enforcement of child support (UIFSA) and petitions for modification of support or custody and/or support under the Uniform Child Custody Jurisdiction Act.

26. **MH - Mental Health**

This category includes petitions for emergency detention, for temporary commitment and for regular commitment. A report following emergency detention uses the cause number assigned to the petition for emergency detention and is not assigned a new number. Likewise, treatment plans and periodic reports are filed under the original cause number. These matters are reported as disposed when the court enters an order terminating the commitment or when the court receives a notice of discharge from a mental health facility.

27. **AD - Adoption**

An AD "New Filing" is created when a petition for adoption is filed, and is disposed when the court enters a final decree or where the petition is dismissed. AD cases include petitions for adoption as well as petitions for release of adoption information.

28. **AH - Adoption History Petition**

The AH designation is no longer used to report new filings, but prior to 1/1/2002 this category included petitions for release of adoption information filed pursuant to I.C. 31-19-24-2 *et seq.* Although no new case should receive an AH, any existing AH cases should retain the AH designation for venue, transfer, and disposition reporting.

29. **EU/ES - Estates**

This category includes all cases involving the administration of estates, including

petitions to probate estates and petitions seeking supervised or unsupervised administration of an estate. A will contest is to be treated as part of the estate proceeding and is **not** assigned a new number.

30. **GU - Guardianship**

A petition for appointment of guardian is reported as a New Filing under this category. The case is reported disposed as "Closed" when the court enters an order closing the guardianship. A compromise wrongful death claim may be a GU (if the case involves a minor or the amount in controversy exceeds \$3,000), otherwise use the MI designation.

31. **TR - Trusts**

A petition to docket a trust is a New Filing under this category.

32. **PO - Protective Orders**

Petitions for protective orders not filed in another proceeding are reported as New Filings under this category. The majority of these petitions are filed pursuant to I.C. 34-26-5-1.

33. **MI – Miscellaneous**

Any civil matter which is unrelated to other pending litigation and which cannot be classified into any of the foregoing categories should be reported here. Examples of matters that may receive an MI case number include the following:

- A petition for **adult protective services** (If filed by the children of the adult or another organization, the judge may waive the filing fee.).
- A **compromise wrongful death claim** may be a GU (if the case involves a minor or the amount in controversy exceeds \$3,000) otherwise issue an MI.
- A proceeding to **reinstate a driver's license** that has been administratively suspended (The regular civil filing fee applies.).
- A **petition for emancipation**.
- An action for **forfeiture of property**, if it is filed separately from an ongoing proceeding.
- An action for **return of property used in a crime** should be filed in the original criminal case. If the case is closed, however, an MI designation is assigned (and no fee is charged).
- A **custody petition** or a **visitation petition filed by grandparents** (The regular filing fee applies.).
- **Habeas Corpus** cases from Department of Corrections.
- A **petition to pay inheritance tax** (Do not include this type of case on the statistical report).
- **Foreign judgments** (A \$3 fee is assessed and this type of case is not to be included on the statistical report).
- **Proceedings supplemental to enforce a foreign judgment** (Regular filing fees apply and this is counted on the statistical report).
- **Name change petitions, appointments of appraisers and marriage waivers** (All of these are ordinarily charged a regular filing fee, but the court may waive the fee.)

- A **medical tort claim** that is still before the medical review board and not yet before the court, but which has corollary issues requiring judicial action. If a tort case is later filed, it should receive a CT case number.
- A **petition for support without paternity claims** (For those both with or without public assistance issues).
- Post-judgment petitions for **modification of custody** filed in a court other than where the divorce was granted or where paternity was established, if the petition involved solely custody but not support (If it is the same court that originally granted the divorce or established paternity, the case would be simply re-docketed, and would not count as a New Filing).

E. Lettered Category - Case Treatment

This section of the QCSR compiles the various ways cases are available (before the court) and disposed of during the reporting period.

PART I: BEFORE COURT

Line A. Previously Pending

Cases already before the court on the first day of the reporting period are entered on this line. The number of cases previously pending on the first day of a reporting period should be equal to the number of cases pending on the last day of the immediately preceding reporting period.

Line B. New Filings

The number of new case filings during the reporting period should be entered for each case type category.

Line C. Venued In

All cases that come from **another** county to the reporting court (for any reason) during the reporting period. These cases are given a new cause number in the receiving court and are shown disposed as "Venued Out" by the sending court.

Line D. Transferred In

Report here all cases that were originally filed in another court in the **same** county, but were later transferred to the reporting court. These cases should be assigned a new cause number in the receiving court, and are disposed as "Transferred Out" by the sending court. When transferring a case from small claims (SC) to civil plenary (PL), the SC case is shown disposed as "Transferred Out," and the new PL case should be reported as "Transferred In." Cases moved between courts for caseload reallocation are frequently shown in this category by the receiving court.

Line E. TOTAL CASES BEFORE COURT

This line is calculated by adding the Previously Pending, New Filings, Venued In and Transferred In case totals in PART I. The Line E figure represents the total cases before the court in the reporting period.

PART II: DISPOSED CASES

This section of the QCSR records the number of cases that, (Lines F thru O, Q and R) are disposed of by the court during the reporting period for various reasons.

Line F - By Jury Trial

A jury trial is deemed to have occurred after a jury has been sworn in and evidence is entered or a witness has been sworn.

Line G - By Bench Trial

This line is for recording cases disposed of by bench trial. For reporting purposes, a bench trial occurs after the first witness has been sworn to testify in a trial to the court without a jury.

Line H - By Bench Disposition

These include cases that are disposed by final judicial determination without swearing witnesses. Actions that may fall into this category include summary judgment, judgment on the evidence, approval of informal adjustments (juvenile), and approval of agreed judgments submitted by the parties.

Line I - Dismissed

This disposition type applies to cases dismissed by the court on its own motion, upon motion of a party or by agreement of the parties.

Line J - Default

This applies to default judgments entered in civil cases.

Line K – Deferred/Diverted

The Deferred/Diverted disposition type was added in January 2002. All cases in which the prosecuting attorney has decided to allow the defendant to enter a deferral or diversion program rather than proceed to trial should be counted here. For purposes of the QCSR, a case is disposed in this category when the defendant is given the diversion.

The entry of the Deferred/Diverted disposition type in this situation does not legally dismiss the case, which the prosecutor may decide to pursue if the defendant does not comply with the terms of the diversion. If the prosecutor resumes prosecution, the court should redocket the case. The objective of this disposition code is to prevent courts from carrying a large pending caseload.

Line L - Guilty Plea/Admission

This category is used to report dispositions where a defendant has pleaded guilty to a criminal offense or has admitted commission of an infraction or ordinance violation. Infraction and ordinance violation cases should only be reported here if the case actually comes before the court for decision, including

those cases involving defendants who appear in court to plead or admit guilt and pay their fine. If an admission is made by mail or before a clerk, the infraction/ordinance violation should be reported as disposed under the Violations Bureau category.

Line M - Violations Bureau

This includes misdemeanors, infractions, or ordinance violations shown filed in the court but that are disposed through a violations bureau. When a defendant makes an admission, pleads guilty, and/or pays a fine or judgment through the bureau, clerk, or mail, the case should be counted in the Violations Bureau category. Once a defendant appears in court (and thus takes up judicial time) to offer a guilty plea/admission, it should be counted as disposed through the Guilty Plea/Admission category.

Line N - Closed

This disposition category is used to report the closing of estates, trusts and guardianship proceedings.

Line O - Failure to Appear/Failure to Pay (FTA/FTP)

When a defendant fails to appear in an infraction or ordinance violation case, the case technically remains open until payment is made or the case is dismissed. This results in a substantial backlog of cases that are essentially dormant. For administrative reporting purposes, the case should be shown disposed when the defendant fails to appear or fails to pay. Once an infraction or ordinance violation case is reported as disposed for failure to appear/pay, it should not be reported again even if a defendant later appears, pays or proceeds to trial. This disposition category should be used even if the court sends the case to the Indiana Bureau of Motor Vehicles after the defendant's failure to appear or pay.

Line P - Other

Disposed cases reported in this category are those which leave the court for a reason other than those listed in PART II, lines F through O.

Line Q - Total Disposed

This line reflects the total cases that have been reported in PART II as disposed or otherwise leaving the system. A total should be indicated for each case type category (1 through 33) in which there are cases reported as disposed in PART II. The total of disposed cases reported on this line should never be higher than the "Total Cases Before the Court" reported on Line E in Part I.

Line R - Venued Out

Cases that have been filed in a court but are moved to **another** county for any reason should be reflected in this category.

Line S - Transferred Out

Cases that are transferred from one court to another within the **same** county, or from one court docket to another (such as a move from small claims docket to the civil plenary docket), should be recorded here. In the event a motion for change of venue from the judge results in a transfer of the case to another court

in the same county, the case is also counted in this category. Cases transferred under local caseload reallocation plans are frequently recorded here by the sending court.

PART III: CASES NOW PENDING

Line T - Total

This line reflects all cases still before the court at the end of the reporting period. It is derived by subtracting the totals on Line Q, Line R, and Line S from the totals on Line E, with the result entered on Line T. The number of pending cases shown at the end of the reporting period on Line T, in every case type category, should be identical to the number of pending cases shown at the beginning of the next reporting period in each respective case type category.

PART IV: OTHER

Line U – Cases Heard By Reporting Judge, as Special Judge, in Other Courts

This line should reflect the number of cases in which the reporting judge accepts jurisdiction for special judge service for other courts. The case should only be counted once when the reporting judge accepts jurisdiction, and **not** each time the reporting judge works on that specific case.

Line V – Cases Heard By Other Special Judge In Reporting Court

This line should record the number of cases in which a judge from another court accepts jurisdiction over a case as special judge from the reporting court. The case should only be counted once when the special judge accepts jurisdiction.

Line W – Cases with Pro Se Litigants

A case should be counted as a pro se case if any party has proceeded without attorney representation at any point in the case. A case should only be counted once, however, even if many parties proceed pro se, or if the status of the litigants changes one or more times during the course of the case. Count a criminal or juvenile case as pro se if, after the hearing in which the defendant is offered an attorney, the defendant refuses one and acts on his/her own behalf thereafter. For a civil case, determine pro se status starting from the moment the complaint or petition is filed. If a plaintiff files a civil case without the assistance of an attorney, count that case as pro se.

Litigants that are defaulted should not be counted as pro se, since no information about representation was obtained. A case may be counted pro se at any time the court believes at least one party is acting on his or her behalf without the assistance of counsel. Each case may be counted a maximum of one time as pro se in the life of the case and that should be counted in the quarter that the Court determines a litigant's pro se status. Courts may look to appearance forms, filings (if a person files something or appears without an attorney), or any other factor for this determination.

Line X – Cases Referred to ADR

This line is used to track and report on the number of cases that are referred to Alternative Dispute Resolution. A case should only be counted one time in this category during the entire existence of the case. A case should be counted in the quarter that the court refers the case. This is **not** a disposition category.

PART V. ADDITIONAL CASE INFORMATION

Item 1: These items should be the number of cases in which the State has requested the death penalty or a sentence of life imprisonment without parole.

Item 2(a): This question collects the number of cases awaiting “judgment” as defined by T.R. 54(A) that the reporting judge/court has under advisement.

Item 2(b): This question collects the number of cases awaiting “judgment” as defined by T.R. 54(A) that the reporting judge has under advisement in which the reporting judge is serving as special judge.

Item 3: This collects the number of Indigent Counsel Appointments made by the court in the specified case categories. This includes all appointments of attorneys that are paid at public expense. This number should include indigent defendants who may later be charged a portion of their Public Defender Fees.

Item 4: This tracks the number of cases in which court interpreter services were used and paid for by the county. Each case should be counted once, and the language for which the court interpreter was needed should be identified in the space provided.

Item 5: This tracks the number of GAL/CASA Appointments made by the court in specified case categories. The report preparer should confirm the number of appointments with the county GAL/CASA program.

Item 6: This collects the number of “Court Business Records” designations that were issued during the reporting period. The “CB – Court Business Record” [Admin. Rule 8(B)(3)] designation applies to matters that do not relate to a particular case, such as the appointment of a judge *pro tem*, adopting or amending local rules, recording a foreign protective order, or assigning work and/or cases to a senior judge.

PART VI. ALTERNATE JUDGE TIME

Item 1: This item is intended to reflect service by other judicial officers that are **not** specifically assigned to the reporting court. The time of these other judicial officers should be reported in days or fractions of days.

Judicial officers that regularly serve the court (magistrates, commissioners, and referees) should record their time allocation on the front of the QCSR worksheet under “Other Judicial Officers Regularly Assigned to Court During Reporting Period.”

Item 2: This item is intended to reflect the reporting judges service to other courts under any local caseload allocation plans. This category specifically tracks and reports service in blocks of time rather than individual case transfers.

V. Correcting Previously Pending Numbers (Hand counts)

Occasionally, data reported for previously pending cases or for the total cases now pending (hand counts) changes from quarter to quarter. If you notice this on your court's reports, please determine the cause, i.e., was a case disposed late, etc.

When this occurs and you feel that the numbers you now have are accurate, you must be prepared to work “backwards” through all previous quarters using the following steps:

- 1) Take the previously pending from the current quarter being worked and put those numbers onto Line T of the previous quarter;
- 2) Take the numbers on Line T and add in Line R, S and Q for a new Line E;
- 3) Take the new number from Line E and subtract Line B, C, and D for a new Line A “Previously Pending”;
- 4) Start over with a new previously pending to the next previous quarter and so on.

These steps must be taken for each previous quarter until all prior quarters have been corrected.